

April 13, 2022

EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Monique D. Jewett-Brewster (State Bar No. 217792)  
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HOPKINS & CARLEY

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San Jose, CA 95113-2406

The following constitutes the order of the Court.  
Signed: April 12, 2022

*M. Elaine Hammond*

M. Elaine Hammond  
U.S. Bankruptcy Judge

**mailing address:**

P.O. Box 1469  
San Jose, CA 95109-1469  
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Attorneys for Seller and Third Parties in Interest  
John H. Bellicitti, as Trustee; Mary F. Driggs, as  
Trustee; Robert J. Bellicitti, as Trustee; and Harry L.  
Bellicitti, Jr., as Trustee

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re

DUTCHINTS DEVELOPMENT LLC,

Debtor.

Case No. 21-51255 MEH

Chapter 7

**ORDER GRANTING RELIEF  
FROM AUTOMATIC STAY**

R.S. No. MJB-1

Date: April 7, 2022

Time: 2:30 p.m.

Place: Courtroom 11

Judge: Hon. M. Elaine Hammond

The Motion for Comfort Order or, in the Alternative, Relief from Automatic Stay  
("Motion") by Seller and Third Parties in Interest John H. Bellicitti, as Trustee; Mary F. Driggs,  
as Trustee; Robert J. Bellicitti, as Trustee; and Harry L. Bellicitti, Jr., as Trustee (collectively, the

1 “Bellicittis”) came on for hearing after regular notice on April 7, 2022 in the above-entitled  
2 Court, the Honorable M. Elaine Hammond presiding. Monique D. Jewett-Brewster of Hopkins &  
3 Carley ALC appeared on behalf of the Bellicittis. Jack Praetzellis of Fox Rothschild LLP  
4 appeared on behalf of the Interim Chapter 7 Trustee, Kari Bowyer. All other appearances are  
5 noted on the record.

6 Having considered the papers filed in support of and opposition to the Motion, and having  
7 heard the argument of counsel, and good cause appearing:

- 8 1. The Motion for comfort order is denied.
- 9 2. The Motion for relief from the automatic stay is hereby granted pursuant to 11  
10 U.S.C. sections 362(d)(1) and 362(d)(2) without prejudice to any claims of any trustee appointed  
11 in the above-captioned case, including but not limited to claims under that certain Agreement for  
12 Purchase and Sale and Joint Escrow Instructions dated as of October 18, 2018, as amended (the  
13 “Agreement”), and for recovery of all or a portion of the deposits made in connection with the  
14 Agreement.
- 15 3. The Bellicittis’ request for waiver of the 14-day stay provided by Federal Rule of  
16 Bankruptcy Procedure 4001(a)(3) is hereby denied.

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18 Approved as to form:

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20 /s/ Jack Praetzellis  
21 Jack Praetzellis  
22 Fox Rothschild LLP  
23 Attorneys for Kari Bowyer,  
24 Interim Chapter 7 Trustee

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